



M O N T A N A
C O A L I T I O N A G A I N S T
D O M E S T I C A N D S E X U A L
V I O L E N C E

TO: House Judiciary Committee
FROM: Kelsen Young, Executive Director
RE: Montana Coalition Against Domestic and Sexual Violence
DATE: HB 696 - Domestic violence misdemeanor probation pilot program
February 21, 2007

EXHIBIT 1
DATE 2/21/07
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Good morning, Madame Chair and members of the committee. My name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. We are a membership-based organization comprised of domestic and sexual violence direct service programs from across the state of Montana. We support initiatives like those found in HB 696 that establish misdemeanor probation officers for domestic violence cases.

According to a model pilot probation program for misdemeanor domestic violence offenders conducted in Alaska, supervision holds offenders accountable, in particular in instances where they are caught violating probation. It also increased victim safety because the probation officer was easier to reach and quicker to respond than the prosecutor or police. In addition, victims could contact the probation officer directly with questions about the offender's compliance rather than having to reach the Assistant District Attorney. Prosecutors, judges, law enforcement officers, victim services providers, victims, and the probation officers, all agreed that the victims whose offenders were supervised by the pilot program were much safer than those whose offenders were not supervised.

You may remember that last session our organization and others came to the 2005 Legislature asking for your support to increase the marriage license fee, which provided funding for up to 3 communities to develop misdemeanor probation officers through a grant program administered by the Montana Board of Crime Control (MBCC). These misdemeanor probation positions are responsible for compliance by offenders convicted of a 1st or 2nd offense partner/family member assault. The end goal is for the communities to institutionalize these positions within their criminal justice system and eventually become self-supporting.

It took a little less than a year to accumulate enough funding in the account in order to fund the new program and issue the requests for proposals from communities. This year, four new communities have applied for the grant. Two of the three first year programs have successfully become self-supporting. It is safe to say that the program is gaining momentum and generating a lot of interest.

As I said initially, we support misdemeanor probation officer programs and greatly appreciate Representative Windy Boy's commitment to eradicating domestic violence and attempting in this proposal to secure state-funding for such a program. However, we have some concerns over how this particular proposal will be administered and whether funding is sufficient. The MBCC grant-funded program has \$90,000 which is available for three communities. HB 696 requests only \$100,000 (\$50,000 each year) for two years of implementation and the language of the proposal has the potential to fund a position in each of the 5 judicial districts listed in the bill OR it funds one probation officer for all 5 judicial districts. We are simply afraid that this will be an unmanageable number of cases or not nearly enough funding. We understand that Rep. Windy Boy is trying to start somewhere and we simply want the program to be successful.

Absent the current program run by the MBCC, we would wholeheartedly be behind a program such as that proposed by HB 696. The most important aspect of this bill is the acknowledgement that there should be a state-level investment in developing this type of program and making real, concrete steps towards ending domestic violence in our state. I appreciate the committee's time and ask you to seriously consider this issue and put forth a proposal that funds misdemeanor probation for domestic violence. I am happy to answer any questions you may have. Wendy Sturn from MBCC was unable to attend the hearing today but we have consulted with her on our testimony and are prepared to answer questions about the current program.

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